

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

KERN HIGH SCHOOL DISTRICT;
LAMONT ELEMENTARY SCHOOL
DISTRICT

OAH Case No. 2015050842

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
MED/TSC/PHC/HRG

On June 23, 2015, the parties jointly filed a request to continue the dates in this matter. Their request is the first request following the filing of Student's amended complaint on June 12, 2015.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

☒ Granted, with modifications. All dates are vacated. This matter will be set as follows:

Mediation: July 28, 2015 at 9:30 a.m.

Prehearing Conference: October 2, 2015 at 3:00 p.m. The parties' request for September 11, 2015 is denied as it is too far in advance of the requested hearing dates.

Due Process Hearing: October 12, 2015 at 1:30 p.m., October 13 and 14, 2015 at 9:00 a.m. and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge. The parties requested only one day for hearing, and OAH sets hearings on Mondays at 1:30 p.m. Accordingly, OAH has added 2 additional days. The parties can discuss the hearing schedule at the prehearing conference.

IT IS SO ORDERED.

DATE: June 23, 2015

/s/

ADRIENNE L. KRIKORIAN
Administrative Law Judge
Office of Administrative Hearings